

FILED
GREAT FALLS DIV.
'06 NOV 7 PM 1 19
PATRICK L. DUFFY, CLERK
BY _____
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

MARK JUSTIN DENNY,

Plaintiff,

vs.

D'ARMON TRAHART and
BRANDON HAMERE,

Defendants.

No. CV 06-59-GF-SEH

ORDER

United States Magistrate Judge Carolyn S. Ostby entered her Findings and Recommendation of United States Magistrate Judge¹ on October 4, 2006. Plaintiff filed objections on October 23, 2006.² The Court reviews *de novo* findings and recommendation to which objections are made. 28 U.S.C. § 636(b)(1).

Upon *de novo* review of the record, I find no error in Judge Ostby's Findings and Recommendation and adopt them in full.

¹Docket No. 8.

²Docket No. 10.

ORDERED:

1. Plaintiff Mark Justin Denny's Complaint³ is DISMISSED WITH PREJUDICE.
2. The docket shall indicate that the filing of this action is one strike for failure to state a claim, under 28 U.S.C. § 1915(g).
3. Any appeal from this action would not be taken in good faith.

The Clerk of Court is directed to enter judgment accordingly.

DATED this 7th day of November, 2006.


SAM E. HADDON
United States District Judge

³Docket No. 1.